

# BARNES & THORNBURG LLP

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.	23643	}	
		}	
Group:	3764	}	
		}	
Confirmation No.:	8915	}	
		}	
Application No.:	10/657,728	}	
		}	<u>ELECTRONICALLY FILED ON</u>
Invention:	SINGLE PATIENT USE VEST	}	<u>January 10, 2007</u>
		}	
Inventor:	Donald J. Gagne	}	
		}	
Filed:	September 8, 2003	}	
		}	
Attorney		}	
Docket:	7175-74151	}	
		}	
Examiner:	DeMille, Danton D.	}	

## RESPONSE TO NOTICE REGARDING POWER OF ATTORNEY

### Mail Stop

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper and the accompanying papers are being filed in response to the Notice Regarding Power of Attorney that was mailed December 29, 2007 advising that the Revocation and Appointment of Power of Attorney which was **originally mailed on January 29, 2004** to the U.S. Patent and Trademark Office (USPTO) and a courtesy copy of which was **re-submitted on December 20, 2006**, is not being accepted because a 3.73(b) Certificate was not also submitted. Please note that at the time that the Revocation and Appointment of Power of Attorney was **originally submitted** to the USPTO (i.e., January 29, 2004), it was in compliance with the then-prevailing rules of the USPTO. The rules regarding appointing practitioners via

customer number, rescission of the rules regarding granting associate power of attorney, and so forth were not effective until after the January 29, 2004 date that the Revocation and Appointment of Power of Attorney in the above-captioned application was submitted.

It was a USPTO oversight in 2004 that the Power of Attorney was not changed in this matter at the time that the original papers to change the Power of Attorney were received by the USPTO. In fact, several essentially identical (i.e., identical except for the caption information identifying the particular matter) Revocation and Appointment of Power of Attorney were mailed to the USPTO in roughly the same time period and were appropriately handled and accepted by the USPTO resulting in the Power of Attorney being given to the listed practitioners, which were the registered practitioners of Barnes & Thornburg at that time. See, for example, how the USPTO dealt with the essentially identical Revocation and Appointment of Power of Attorney in the following matters: 10/055,849; 10/295,782; 10/298,167; 10/298,211; 10/298,240; 10/298,242; 10/298,245; 10/298,267; 10/298,272; and 10/774,098. Thus, the December 20, 2006 re-submission of the copies of the papers that were originally mailed January 29, 2004 in the above-captioned application, along with a copy of the post card receipt showing that those papers were received by the USPTO, was an attempt to get the USPTO to correct its early 2004 oversight.

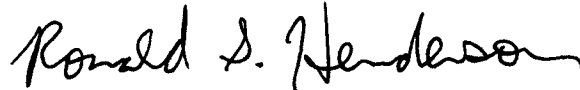
Despite the foregoing, the above-captioned application was subsequently assigned from Advanced Respiratory, Inc. to Hill-Rom Services, Inc. Thus, because of the difficulties in getting the USPTO to rectify its 2004 oversight under the then-prevailing rules concerning revocation of previous powers of attorney and appointment of new powers of attorney, submitted concurrently herewith are (1) a 3.73(b) Certificate listing the Reel/Frame number information evidencing the chain of title from the inventor to Hill-Rom Services, Inc. and (2) a General Power of Attorney signed by an Officer of Hill-Rom Services, Inc. granting Power of Attorney to the attorneys of Barnes & Thornburg associated with customer number 23643.

If there are any questions or comments that would assist the USPTO in properly changing its records regarding the Power of Attorney in the above-captioned application, the examiner is invited to call the undersigned at (317) 231-7341. While no fees are believed to be due in

connection with this paper, or the accompanying papers, it is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 7175-74151.

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in black ink, reading "Ronald S. Henderson". The signature is written in a cursive, flowing style.

Ronald S. Henderson  
Attorney Reg. No. 43669

Indianapolis, Indiana  
317-231-7341